

BOARD OF MAYOR AND ALDERMEN

June 7, 2005

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil,
Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Baines stated I'd like to introduce this young man that's sitting up here his name is Chris Callahan, he's a senior next year at Providence College majoring in political science and he's going to be interning in my office and Planning Department and a few other places around City Hall, So, welcome Chris. Also, I'd like to announce that Mr. Ramsey was supposed to announce that this Friday beginning at 4:30 is the 5th Annual...believe it or not, it's the 5th Annual Talarico Dealership's Downtown Manchester Jazz & Blues Festival. We feel it's going to be the best one yet, the weather forecast is great...I'd just like to go through the lineup not only for you here this evening but people watching at home. It's going to start off at 4:30 with the Central High School Jazz Band followed at 5:25 by the Memorial High School Jazz Band and at 6:10 by the West High School Jazz Band. We have two groups following that the Greg Hopkins Big Band from 7:30 to 8:30 and from 9:30 to 11:00 the fabulous Thunderbirds. On stage 2 on Friday night we have the Three Swingin' Tenors from 6:45 to 7:30 and from 8:30 to 9:30 Toni Lynn Washington. On Saturday, Stage 1 at 3:30 the Preservation Hall Jazz Band from New Orleans...5:15 to 6:15 the Compaq Big Band and from 7:15 to 8:15 back for the fifth consecutive year the fabulous James Montgomery along with Bruce Marshall, from 9:15 to 10:45 Buckwheat Zydeco. On Stage 2 at 2:30 we have the Air Force Blues Band followed by the New Hampshire Jazz Singers followed at 6:15 to 7:15 Rico Barr and the Jumpin' Jive Review; 8:15 to 9:15 Tommy Hambridge. So, gates open at 4:00 PM on Friday and 2:00 PM on Saturday...tickets are \$10.00 and we hope you come and enjoy the food, the music, the art and it's rain or shine.

Mayor Baines stated I'd like to introduce Principal John Rist from Central High School to make a special presentation.

- 3.** Presentation of the Manchester Education Award for Central High School to Norine Calvano by Principal John Rist.

Principal Rist stated thank you Mr. Mayor. Aldermen I appreciate the opportunity to come before you tonight. We apologize for taking your important time but I did want to recognize an outstanding educator at Central High School. The day of the Manchester Education

Awards we were having our own retirement party for six retiring teachers. With that said I am pleased to present to your Mrs. Norine Calvano and she is a German teacher at Central High School and she is not here tonight for some sort of outstanding achievement. She is here for the consistency that she has shown with the students at Central, her contribution to those students, her commitment to excellence...she has been involved in the Noeschstat Sister Program, our sister city program and has been there herself. When we recently hired 15 new teachers last year and we asked for a peer coach Mrs. Calvano stepped forward without asking any questions, she is the advisor to the Granite State Challenge Program, but mostly importantly walking into her classroom is a joy not only for me as the Principal of Central High School but also for the student. In case you weren't sure some of the students...not all the students enjoy going to class but when they're on their way to Mrs. Calvano's class they're happy to be there. With that said I am pleased to present her with the Excellence in Education Award and I thank you very much for your time.

Mrs. Calvano stated thank you very much I really appreciate that. When Mr. Rist called me to his office the other day and told me about this I was thoroughly bowled over, no one could have been more surprised than I was and I really appreciate this because I just thought I was doing my job, but I do really appreciate that. Thank you so very much.

Mayor Baines stated we had the ceremony about a week-and-a-half ago here in the Chambers and it will be shown, I'm sure, repeatedly on TV this summer but it's really a magnificent program just to single out some of the best people that are serving our students in our schools so congratulations.

Mayor Baines stated I would now like to introduce Robert Tourigny the new Executive Director of the Manchester Neighborhood Housing Services and I call upon Bob Dastin to make the introduction. Oh, wait a minute, let me back up Mr. Lopez is supposed to say a few words and then I'll turn it over to Mr. Dastin, Mike's on the Board over there.

4. Introduction of Robert Tourigny, Executive Director of Manchester Neighborhood Housing Services replacing Felix Torres by Alderman Lopez.

Alderman Lopez stated I'd like to note that Alderman Sysyn and Alderman Guinta and myself sit on the Board of Directors of Manchester Neighborhood Housing Services (MNHS). On behalf of the Board of Directors I would like to introduce to you the new director...his background in housing...Division Administrator of Housing Development and Director of Community Development...Robert Tourigny the new Executive Director of Manchester Neighborhood Housing Services, welcome.

Mr. Dastin stated Robert prefers being called Robert. My name is Bob Dastin and I am a trustee of Neighborhood Housing Services and I'm here this evening to introduce to the

Board Robert Tourigny who comes to us by way of Maryland and we're delighted to have him here. Robert spent the last 10 years in southern Maryland running an agency that's similar to Manchester Neighborhood Housing Services and we're delighted to have him here, he's a New Englander by background...comes from Maine and I told him in another two or three generations we'll welcome him and be a full fledged citizen. But, Robert spent the last 10 years at Southern Maryland Tri-County Community Action Committee, a Committee that essentially identical to Manchester Neighborhood Housing Services and I'd like to present to you Robert Tourigny.

Mayor Baines stated Robert I would like to apologize for mispronouncing your name because that's the way we would say that in Manchester and you just need to tell people that you got here as soon as you could.

Mr. Tourigny stated and I will. I brought this 90-degree weather with me from Maryland...I know you've all been waiting for spring to get here and we just skipped and went straight to summer just like they do in Maryland.

Mayor Baines stated we appreciate you're being here too, Robert.

Mr. Tourigny stated it's a pleasure to be here, Mr. Mayor, thank you Board of Aldermen. I especially want to thank Alderman Lopez, Alderman Guinta and Alderman Sysyn for their role on our agency's Board of Directors. I've been here just about three weeks now in the Manchester area and it is such a pleasure to be back in New England. I've been looking for an opportunity to return to New England where I can raise my family and at first I felt that I was moving to Manchester a big City. In growing up in a small town in Maine I felt like Manchester was the big, big City but the longer I'm here the more I realize it really is a nice small, comfortable town and full of wonderful people and I've really gotten to know some great folks particularly the staff at MNHS and several of the folks in the community have just been wonderful and very receptive. It's really a pleasure for me to be here tonight to be welcomed by you all and it certainly is exciting to be part of the NHS team and continue in developing good, quality housing at affordable costs to tenants and homeowners in the City and we have several projects underway right now...currently, one in Manchester that you may be familiar with the Straw Mansion Project that we'll be wrapping up this summer. So, we're certainly looking for new opportunities. I need to expand in the direction of doing home ownership opportunities, looking for a house in the market as some of you may know and I realize the struggle that people are encountering when they're seeking home ownership opportunities. This is a rapidly growing market and we at NHS do everything we can to address those challenges and create more opportunities for folks. So, I thank you. I don't want to take too much time on your agenda tonight but if anybody has any questions I'd be glad to address them.

Mayor Baines asked are there any questions, comments from members of the Board. There were none.

Mayor Baines addressed item 5 of the agenda and stated I'll turn it over to Bill Jabjiniak who will make some comments and then introduce the principals.

5. Communication from Brian Dacey and Christian Silvestri requesting that Pearl Street Development Partners LLC be designated as the exclusive party to investigate redevelopment opportunities relating to the Pearl Street Parking Lot owned by the City of Manchester.

Mr. William Jabjiniak, Destination Manchester Coordinator, stated I think you'll recognize the three gentlemen sitting here from the Manchester Place Development...Brian Dacey's in the middle, Christian Silvestri here to his left and Attorney Tony Marts at the other end. I guess I'm always pleased when I see a developer come back to me and ask about another project, can we do another project in the City and I'm very grateful for that. Brian and Christian and Tony have worked with staff over the past few months and done their research and gathered some basic information from the Housing Authority and others to take a look at putting retail in here and they've addressed staff's concerns over parking which was the number one issue that we raised as well. They also were willing to work with us on the parking study that's currently underway...I think that's a big issue. The staff is supporting this proposal for three basic reasons...there's others and I'll let Brian and company elaborate...but, this is an opportunity to grow the tax base. There is no long-term commitment from the City of Manchester, it's six months for them to spend their resources to investigate a site and three they are willing to work with us on on-going projects, on-going studies that we have. We've done this once before on the Courthouse Square Project. We have given the developer an opportunity to investigate a property for six months and this is along those same lines and I'm glad these gentlemen are back in front of you to simply keep the momentum moving forward and their interest in downtown moving forward. At that I'm just going to turn it over to Brian and go from there.

Mr. Brian Dacey stated I'm here with Christian Silvestri...I'm Brian Dacey of Main Street Development Group and Tony Marts...thank you for having us here this evening we're pleased to be back before you. We think we've got some exciting ideas which we'd like to explore and as you can see in our slide here what we're looking to do is ask your permission to study options for retail development on the Pearl Street Lot during the next six months...seeing the kinds of work you see there...architectural/engineering studies, market analysis, looking at the parking options...two things we aren't doing...we aren't asking you to approve a plan, we're not asking you to give us an irrevocable designation on this, we're only asking for your permission to go out and do some work here and see if we can come up with a plan that all of you support and to spend some time and money and effort to do that. We're also not looking, in any way, to reduce the amount of parking that's on that parking

lot. We know that that's a major concern. The idea is to go in and look at what are the parking options that work with development options. We're really focused on retail development and we think there is the potential for something very attractive for the downtown here. Our next slide is really talking about goals that Christian has a few things to say about.

Mr. Christian Silvestri stated good evening. The goals of our study is to develop options and expand the retail in downtown and the reason why we really looked at this particular parcel is because we have at Manchester Place 5,000 sf of retail and we've been called by numerous major retailers, about the space and we just have 5,000 sf. So, we looked at this as an opportunity to expand the downtown retail space, talked to a lot of major tenants...as you can see up on the screen supermarkets, theatres, pharmacies and specialty stores to name a few and as Brian has said the parking will not be a problem. We will definitely replace if not put more parking that's there now.

Mr. Dacey stated another issue is we talked with City staff and as we looked at the property where the number of parties involved in this piece of property as well as the several studies that are going on, so one of the things we would be doing here is coordinating with the City parking study, the City downtown study as well as with the Manchester Housing and Redevelopment Authority's existing redevelopment plan which covers the site right now. We'd also regularly consult with the abutters and existing users of the lot, City staff and again the Manchester Housing and Redevelopment Authority. Again, our hope is to put together a plan that's something that can be supported by everyone here. We know we need to get out and speak with the abutters...I was asked why we didn't do that ahead of time and we started doing that and frankly it struck us that it would be difficult for the Board of Aldermen if we were out speaking to all of the abutters before coming into the Board to get permission on a lot that's owned by the City and so we've had some informal discussions with several of the abutters at this point and will continue to do that and we certainly would expand that should we come up with a plan that deserves consideration back here before this Board.

Attorney Tony Marts stated I'm the attorney for the project as I was for the Bridge and Elm Street deal. This is not an exclusive development. All that is being asked through the Letter of Intent that you have in front of you is a right to access the property in order to begin to do some due diligence both marketing studies and as you've seen environmental work, title work...things of that nature to determine the development potential of this site. The idea being that the work that is being proposed really supplements the parking study and other planning studies that the City is already paying. So, this is supplemental to that work and really gives both the developer, in this case, and the City more information on what that potential site may be used for. What we're asking for in the Letter of Intent is merely the right to have access to the site, to do some of that due diligence and as you can see the Letter of Intent lays out some extensive rules in terms of what we need to do including providing

insurance to the satisfaction of the City Council and Risk Manager's office and ensuring that any work we do we do not interfere with the existing uses of the property. The idea here being that several development alternatives may be identified over the next six months and if that is done then these gentlemen would come back to this Board with a concept, with a proposal to potentially enter into a development transaction with the City whether that included the acquisition of the property or some other way to develop that particular site. At that point, the Aldermen of course, the Board of Mayor and Aldermen have the right to reject it...any proposal or determine how they want to handle, if at all, the disposition of the Pearl Street Parking Lot. So that at this point all of the City's options remain open...what my clients are looking to do is to invest some time, money and resources into that particular site in order to at least start an investigation. Our proposal is to terminate our investigation period as of December 31, 2005 and hopefully we will be back here before that time to let you know what we found out and determine whether a further contract or relationship with the City is possible and of course we'd be providing under the Letter of Intent period updates to the City staff.

Mr. Dacey stated we do see some challenges as well as opportunities in undertaking this should you give us permission to do it. Obviously, addressing the parking issues is a number one priority. Proving a cost feasibility if in fact something can be done here that makes economic sense and also verifying that there's the kind of demand for the retail uses that we think may be there. Obviously, the opportunities that the City's been working very hard on expanding retail in downtown and raising the City tax base and building on many of the things that all of you have worked so hard to do in recent years. Our goal is to bring in some architects and some retail planners who have national experience in looking at downtown's and working with us closely on this property we hope that we can overcome the challenges and come up with an exciting plan that we can bring back to you...there is the chance we'll do all the work and determine that it's very difficult to achieve everything that needs to be achieved and maybe the numbers don't work but we can assure you as I think we did in the Manchester Place Project...we will work very hard, we'll consult the abutters and work with the community in a very close way to see if there's something here that makes sense for everyone.

Mayor Baines stated I would just like to make a couple of statements to members of the Board. As Mayor I fully support, I urge the Board to support this request this evening. As you know, we've been having discussions with these gentlemen over the past few months...when they first approached us they've addressed the major issues of concerns that I had and staff had related to parking...I believe this is an important opportunity for us to continue the momentum of investment in the downtown area to expand the tax base and we continue to talk to others about other opportunities which I think there are many others or at least some others that will hopefully be coming to the Board over the next few months with other investment opportunities because there is an excitement about downtown and I want to thank both Brian and Christian for their continued confidence in downtown and the great

progress that's being made at Bridge and Elm...it's a spectacular building that is going to really add to the life of the downtown and this is one additional effort to see what we suspect is an increased interest...especially in retail...we know there's a lot of interest in movie theatres in the downtown area, there's no secret that there's been several discussions on-going with different theatre chain operations and we're still hopeful that that's going to happen and other opportunities that may be out there. So, having said that I urge the Board to support this this evening and I'll now open it up to the Board for questions and discussion...Alderman Porter then Alderman Guinta.

Alderman Porter stated if I may concede to the Alderman from the ward first, Mayor.

Mayor Baines called upon Alderman Guinta.

Alderman Guinta stated thank you Alderman Porter, thank you your Honor. There are a number of concerns that I'd like to address...I can list them out one by one. First of all, how much contact have you had with the Housing Authority on this?

Mr. Dacey replied we had one meeting with staff, with Ken Edwards to talk about a redevelopment plan that is in place that the Housing Authority administers, we've planned on subsequent meetings and I know other City staff members have spoken with the Housing Authority as well.

Alderman Guinta asked has the Housing Authority expressed an opinion one way or the other?

Attorney Marts replied I also had conversations with Bill Craig and also the Manchester Housing and Redevelopment Authority. His view was that there...let me first say that there was a discussion according to Bill between Bill and Ken and the Director of the Manchester Housing Authority but his view was that this is really an issue first for the Aldermen to deal with and if we ever came back with a proposal and the Housing Authority may be involved...the project is still subject to a 1958 Redevelopment Plan which is technically under the jurisdiction of the Manchester Housing and Redevelopment Authority. So, if we wanted to do anything there or if the City wanted to do anything there before 2008 then that Board would be involved.

Alderman Guinta asked, Tony, can you explain a little in more detail why the exclusivity provision is necessary?

Attorney Marts replied the practical reality is there is money that is now going to be spent to undertake this due diligence including not only legal work but working with the Manchester Housing Authority and their technical assistance...but, more importantly, environmental work, marketing work, design work and we're actually talking to potential end users so that

that investment of time and money is the consideration for providing some degree of exclusivity at least while we do an investigation. Keep in mind that at the end of that period the City is not the least bit committed to move forward with this particular developer.

Alderman Guinta stated it does, however, include in your exclusivity a portion of the document...its says that the developer shall have the exclusive right to negotiate a P & S with the City. So, while we're not required to agree to a P & S the Letter of Intent would require the City to enter into exclusive P & S negotiations with you.

Attorney Marts stated while we are investigating the property we are asking that you not negotiate for the sale of the property to anyone else and that's the point of that provision.

Alderman Guinta stated in the meantime assuming this is granted is there any provisions that have been made for the current customers or users of that parking lot...alternative parking provisions...it looks like...it says an access to property under number 1...developer shall in a timely manner restore the property at its sole cost to the condition which existed immediately prior to the activities described herein...so, it sounds like you're going to be doing some environmental testing which requires probably a good portion of the lot to be utilized...how many spots are in there now.

Mr. Dacey replied there's 330 spots and in terms of the environmental testing at this level we would not be having any kind of major disruption of the property, it might be a selective well or test pit in a few locations but that can be covered in the area of one parking space.

Alderman Guinta asked is it fair to say that the disruption would be minimal?

Mr. Dacey replied yes.

Alderman Guinta stated so there really wouldn't be a requirement...we're not displacing...because that parking lot tends to...I think it's pretty full almost everyday of the week.

Mr. Dacey stated we're aware that the current users...there's a significant demand there and an occupancy that goes places so any kind of disruption would be minimal and for the environmental work at this stage we would only be doing an occasional test pit or a well.

Alderman Guinta stated let's look into the future and assume that this is granted and assume you move ahead with some sort of expanded parking...the phone calls that I've received from abutters in the last couple of days...they're all opposed. I don't know who it was but someone put fliers out on everybody's vehicles who park in that lot so I actually got an extraordinary number of phone calls because the fliers said save our parking lot that kind of language. Is there any assurance, at this point, that people who use the lot today...keep in

mind it's a 300 plus lot and it's full...those same cars are going to have access in addition to whatever is going to replace or enhance that location?

Mr. Dacey replied the goal of our work is to come back with an acceptable development plan and parking plan and as part of that parking plan the current users are accommodated so there is not a displacement of the current users and there was a flier out today that indicated to people that somehow the parking lot would disappear. The Mayor has made very clear to use that if we came back with a proposal that said let's eliminate large chunks of this parking that we might as well just keep that proposal in our pockets.

Mayor Baines interjected and I was very firm with them when they came in because I was very concerned about the issues that you just brought up and I said it just like Brian said we're not going to displace...

Mr. Dacey stated that's why it made such a big impression.

Alderman Guinta stated I have a couple of other questions. I've also received a number of calls from other developers asking me to oppose this because of the exclusivity provision. If the situation is reversed...give me an example or why I as the downtown Alderman and as a member of the Board should be allowing or granting an exclusivity provision for this particular site.

Mr. Dacey replied I think the City's getting the best of all worlds. The City is getting us to go and do some work in advance of the studies coming out for coordinating with those studies and determining what may be able to happen on that site without making a commitment to us with anything we come back with will be accepted and secondly at the end of the day the City is free to say no to us and go out and if at that point the thinking is it needs an RFP the City is then free to do that. So, it seems to me that it's the best of both worlds...I would also add that this has been a very pro-active Board of Mayor and Aldermen. I haven't been here as long as some of the other developers but it's very clear to me that this Board has been very willing to accept new ideas about development and about moving the City forward and that's why we came forward. Maybe one of those developers could do the same thing and some of them in fact have.

Mayor Baines stated none of them, no other developer has contacted either my office or the economic development office at any time about Pearl Street or even since this announcement.

Alderman Guinta stated I've been contacted by several developers in the last three years about...and I did mention this to Brian when we discussed it earlier in the week. I have been asked about this type of development...not just in this location but the Bedford Street Lot and other lots. Whatever reason it's never come to fruition and it hasn't been formally

presented to this Board and I appreciate your sensitivity to the parking study but another concern is if the recommendation of the parking study comes back and says it's most appropriate to sell some of these lots the exclusivity provision precludes the City from doing so at least until the end of the six months and I'm not sure when the parking study's being finalized...

Mayor Baines interjected it should be this September I think.

Alderman Guinta stated it's going to hit in the fall, you'll probably be 75% done with your work and that study could come back and say you should be putting this out to RFP and at that point is there going to be a concern from your perspective...honestly if it were me sitting over there I would say look you granted me the six months, I did spend "X" amount of dollars, I don't know what kind of dollar amount we're talking about whether it's in excess of a hundred thousand or under a hundred thousand but I would certainly want a return on my investment if it proved, if the testing proved positive for a development. But, then if the parking study comes in and takes a different view and says the City might be best off selling this we would then have to go out for RFP and you've already spent the amount of dollars that you've spent and I don't know what that does for your company or for the City in terms of a position at that point.

Mr. Dacey stated I think that's a risk we're willing to take. As we said the City is not at the end of the day committed to doing something here so we understand in doing the work that we're doing we're taking some risks...the parking study comes in and flies in the face of things that we think we could be proposing we know where the City's priority is going to be and that is with their parking study. So, I think and again we're going to be talking along the way and if in the middle of the process it's clear to us that it's not going to work we'll come back in and the City will know that that's the direction we're headed in and we're not going to sit back and somehow hold the City hostage.

Alderman Guinta stated I'd be curious to see what other Aldermen have to say on it.

Alderman Porter stated I certainly want to commend you for coming forward and Bill bringing projects to the Board I think that's his job. A couple of questions, your Honor, if I may. Number one, has the City actively at any time ever made an attempt to market this or do to a study. Bill has anybody been contacted about this particular parcel to do something with it? Okay...then I'm kind of in a position where are we putting the cart before the horse...the City has not made a conscious determination as to what it might want to do or not do with that. The other thing is and Attorney Marts I think that you are asking for more than just access to the property when you're asking for the exclusive right to negotiate a P & S. It's not worded that way but it's sort of like an option to purchase under certain conditions but there is no consideration coming to the City. I think if any one of us owned individually a piece of land and a developer came to us I'd ask for some sort of a deposit...non-

refundable or refundable depending upon the terms. I think it's awfully wide open. I realize six months is not a long time but if we do tie ourselves up to an exclusive right to negotiate a Purchase & Sale Agreement there's no indication of any methodology used to arrive at a value as will it be an appraiser selected by the City, by you people, by an appraiser mutually agreeable to all parties. The other part of this is fairly standard, I think, as far as insurance and so forth we do have a Risk Manager that would obviously look at this and we have Solicitor's office that would look at the legal ramifications. As I mentioned there's nothing indicated here as to how a Purchase & Sale Agreement might be constructed and I certainly think that if I owned a piece of property and a project were brought to me I'd want a deposit. Thank you.

Mr. Dacey asked may I address that, just the question that came up there. The issue of the Purchase & Sale Agreement, I think we need to be very clear about that. The idea is that at the stage that we come back we would be presenting you with a Purchase & Sale Agreement. There would be an entire package and that would seem to be the proper process which is while we're developing a plan if we're coming back in here there needs to be a P & S that says here's what's being proposed, here's how it would be purchased, here's how the appraisals would be done and all that. We're not saying that the City is committing to it. We're just saying we together if there's a plan that's making sense would develop a Purchase & Sale Agreement and then it will be up to this Board to decide whether that's a Purchase & Sale Agreement the City wants to enter into. I just want to be clear that we're not somehow circumventing a Purchase & Sale Agreement...we're in fact saying while we're in there and if we come up with a plan how can we come back to you without a Purchase & Sale Agreement and at that point it would seem important to have that and then for the Board to decide to accept.

Mayor Baines stated and then we would say yes or no.

Alderman Osborne stated getting back to the parking...I guess this lot now has 330 spaces and it's probably taking in somewhere over \$200,000 a year. What I can't understand is if you're going to put a bunch of retailers there and you're going to try and maintain 330 spaces or even 200 spaces or 250 whatever it might be the businesses that are around this particular lot have been there for a few years how are you going to have enough spaces for the retail as well. Are you going to have a parking garage?

Mr. Dacey replied we would have to come back to you with a solution and it could be a parking garage, it could be there's a grade differential on that site, it could be you layer in a half level of parking below and build a deck above, you could have a public garage, you could have a private garage that's part of a private development in concert with the City...so, the idea would be if there is more parking demand then there will need to be more parking spaces and at the same time we'd be looking at some uses that may be weekend and evening use that may in fact may not have a big conflict with the existing daytime users.

Alderman Osborne asked how many in your own mind...how many parking spaces are you thinking about...you must have some thought in your mind?

Mr. Dacey replied it's a pretty wide range. We talked about somewhere around forty to seventy thousand square feet of potential development but again not having done the studies it's hard to say but depending on whether it's a daytime or night time use that could be a couple of hundred spaces to several hundred spaces.

Alderman Osborne asked would this be the same situation as Bridge and Elm where the City has to bond the parking garage for \$5 million?

Mr. Dacey replied at this point I think it's too early to say is it a public garage or is it a private garage or is it a garage and how it would be financed is another question...I guess our belief is that the parking study is going to come back and have some proposals on that site in any case whether we're here or we aren't and it may have other requirements for the City. So, obviously, we try and put together our study with your study.

Alderman Osborne stated it's a good size lot but I think it's a little small for all the parking we're talking about unless we go up or unless we use skyhooks or something to hang the cars or you go down. Anyway there's a lot of money involved.

Mayor Baines stated also a lot of communities are going down under for parking right now too that seems to be a trend across the country.

Alderman Lopez stated I wonder if you can enlighten me a little bit about...if you terminate the agreement, we get all the plans and engineering and everything. What if you come back with a development plan that requires money from the City and we say no we're not giving you any money, do we get the plans?

Mr. Dacey replied under that circumstance no.

Alderman Lopez in reference to paragraph...you had the right to extend for sixty (60) days without any approval from this Board the way I read this is that correct.

Mr. Dacey replied yes.

Alderman Lopez asked how many sixty days do you have the right?

Mr. Dacey replied just one.

Alderman Lopez stated just one...it doesn't say that but I'll take your word for it. My other question is to Tom Clark please. Have you read this agreement?

City Solicitor Clark replied I've read their proposal letter yes.

Alderman Lopez asked is there any illegal reason we should not enter into this agreement or we should do something else or go for an RFP or...what would your guidance be for this Board?

City Solicitor Clark replied legally what they're asking...if you boil it all down they're asking that the City not negotiate or enter into agreements with other developers during this period...that's basically all they're asking for. At the end of the day, December 31st or after the extension if they opt for a 60-day extension this Board has the full right to say no to any development plan they bring forward.

Alderman Lopez stated let's go back to the architectural designs, plot plans and appraisals...if you came back with a tremendous plan which I believe you could come back with a tremendous plan I've heard all kinds of different things for the Pearl Street Parking Lot would include that you would have to go out to Elm Street in order to make it really work...but given exclusive rights I guess that's a little hang up here and I just want to make sure I'm clear. If you came back with a development plan that in order for you to accomplish it that we would have to put a few million dollars into the project and we said no why wouldn't we be given the plans anyway...you're saying to us that we can say no in the end and you're asking for exclusive rights for six months, possibility eight months...I'm just trying to understand why we would not be entitled to something if we're being on good faith and we don't want to put any money in the project, we like your project...

Mr. Dacey interjected I know this would never happen but if we did all that work, we presented it all to you and you decided as a Board that you like the plan and I know this would never happen but there's a potential another developer might come along and say that's a great plan why don't you vote me to do that as opposed to these guys who just did all the work. So, our feeling was that we're going to go out, spend the money, undertake the effort, work with the City and if at the end of it you don't want to do it then that's the end of it...we spent our money, done our best and we go off and leave but it would be absolutely unfair if we were to do all that work and then have somebody else get designated to come in and do the work. So, that was really the thinking. If we determine that we can't move forward we've agreed we would give all of our studies to the City so the City could then factor it into the other things that it may be doing later on and having the advantage of that.

Alderman Thibault stated I'm a little concerned, your Honor, to understand and listen to this. Here are these people that have developed the corner of Bridge and Elm Streets, a blighted area for 15 years in this City and if any of you have looked at what's going on over there and

if you're not proud of what's happening in that corner I'm concerned about that because these people are willing to go out again and spend "X" amount of thousands of dollars to explore this area and we're going to have the last say so on if it's going to go or not. What are we worried about? This City...we have not done in this City what's happened here in the last 15 years by looking behind us. When are we going to start looking at people that want to do the right things for the City and give them a little support. I'm very willing to let these people explore this and I gave them my concerns about that parking lot, I know that Brady Sullivan, for instance, uses a lot of that parking and I want to make sure that we don't hurt them. But, by the same token should we stop someone else that may come up with a plan that we're all going to be very happy about especially if we have the last say so. I'd say I can't understand why this Board doesn't say to these people hey, come on let's show us what you've got here and if it works let's do it.

Mayor Baines stated you may have the opportunity as soon as somebody moves this and seconds it.

Alderman Thibault moved to approve the request of Pearl Street Development Partners, LLC dated May 31, 2005 with the express understanding that there is no obligation on the part of the City to accept or to approve any proposed development or project. Alderman Roy duly seconded the motion.

Mayor Baines called upon Alderman DeVries stating we'll continue discussion.

Alderman DeVries stated I'd like to continue the conversation around termination and maybe ask City Solicitor to weigh in with his opinion because I read the paragraph and it probably starts two-thirds of the way down...all deadlines shall be subject to reasonable extensions necessary to accommodate, etc, etc. and then it's followed up by the developer shall have the right on written notice...

Mayor Baines asked what page are you on Alderman?

Alderman DeVries replied it's on page 6...the Termination clause...so, it seems like we have two paragraphs dealing with the ability to extend this project and I'm just wondering which one would you follow.

City Solicitor Clark replied the way it's worded I realize it's probably a little technical but this agreement terminates on December 31st. Now, at their option they can notify the City that they believe that they need a 60-day extension to finish their documents. So, that's one extension. If they feel that they need other extensions they have to come back and ask for them. The City is under no obligation to give them.

Alderman DeVries stated one follow up on that point. So, even though it specifically says they're allowed reasonable extensions to accommodate all of the governmental approval process we're not going to be obligated because it's further specifies the one 60-day written notice, that's your opinion.

City Solicitor Clark replied my opinion is yes they have one option to go 60 days. If they feel that they are in the process of getting a building permit or something...and that's really not a case here because there won't be any permits of that nature before any project is approved by this Board. If they feel that they need something they can come back and ask the Board for a reasonable extension...that would be up to this Board to do to decide whether that's reasonable or not.

Alderman DeVries stated I think Mr. Marts wanted to add to the conversation.

Attorney Marts stated the only municipal approval process at this point or during the life of this agreement is the approval process by this Board of Mayor and Aldermen. So really it's a need to accommodate your schedule.

Alderman DeVries stated I guess I'm concerned with the lot maybe parking will have to weigh in on this but do you have parking permits or lease agreements already in place on the Pearl Lot that need be honored and do we know how many spaces are tied up under those obligations?

Mr. Jabjiniak replied there are 330 parking spaces, there are 449 leases in that lot currently.

Alderman DeVries stated those would be a month-to-month...no, that's not that's a lease, a long-term lease agreement.

Mr. Jabjiniak stated month-to-month.

Mayor Baines stated Tom Lolicata just told me month-to-month.

Alderman Gatsas stated I urge my colleagues to vote against this proposal because it's time that Mr. Marts...if you can tell me, I'm sure you've represented a lot of real estate developers. How many developers have you represented that have given somebody an 8-month option at no cost?

Attorney Marts replied this is not my favorite agreement, Mr. Alderman, due to the fact that my client has absolutely no right to purchase this property at the end of the term. This is a fairly one-sided agreement for the benefit of the City. We've had extensive discussions with the City staff on that issue. My preference, of course, would have been to set some type of certainty for my client that we could in fact purchase irrespective of what our proposal was at

some type of appraised value or procedure for appraised value. We really have, in this agreement, provided the City with what we view to be a real material benefit and my clients do assume the risk that even though they're expending these costs they won't have the transaction.

Alderman Gatsas stated I don't think that was the question I asked you. The question I asked you was you've represented many sellers, how many sellers have you represented that have gotten engaged into an option agreement for eight months and you've not asked for earnest money?

Attorney Marts replied it is not an option agreement. It's an access agreement that allows us to do some due diligence. This is not untypical of the way a municipality or governmental unit might deal with something of this nature. I do have quite a bit of experience in this particular area that is what I do is these public/private type of transactions.

Mayor Baines interjected his response is that this is not unusual.

Attorney Marts reiterated this is not unusual.

Alderman Gatsas stated that still wasn't my question. My question is you've represented clients, how many clients would you tell to engage into an agreement like this for eight months and not get earnest money? I think Alderman Porter went down the same road but I'm just looking for you to give me an honest answer saying if you were our counsel...

Attorney Marts interjected I can say virtually all of them because what is happening here is a private party is stepping up to the plate to invest in this type of due diligence without any certainty that they're going to have a transaction. It would be unusual to post money for literally a transaction that has not yet been identified and you will have a bite at that apple if in fact they come back.

Alderman Gatsas stated but that is not necessarily true because you told me right now the MHRA controls the destiny of that property even superceding what this Board does so they could come back to this Board with an agreement that they've agreed to that we might not have a say in.

Attorney Marts stated no that's not the case. The property's owned by the City of Manchester. It is subject to the 1958 Redevelopment Agreement, which expires in 2008. In order to change the use of the property the Manchester Housing and Redevelopment Authority needs to amend the redevelopment agreement to allow a change in use. Even if they made that amendment the City is under no obligation to sell the property and certainly the Planning and Zoning Boards are under no obligation to approve a project.

Alderman Shea stated the question that I had was obviously the one on parking and the second had to do with the Manchester Housing Authority, which Ted asked, so I'm all set, thank you.

Alderman O'Neil stated I think Alderman Thibault stole my thunder a little bit. This is great that we have a group of successful developers, a successful partnership in the City interested in exploring another major project...I've been here during some pretty tough times where we didn't have people knocking on our door and we were looking to get a corner store if we could and that was a successful development project in this City, so I think this is actually great and Alderman Thibault's line about looking ahead and stop looking behind I think was very appropriate. So, I just want to thank him for those comments and urge my colleagues to support this.

Alderman Roy stated I want to thank Brian Dacey and Attorney Marts for being here. This agreement is just a Letter of Intent. We're looking at giving a development partnership the ability to go find out that's all we're letting them do. We're letting them enter the property, put an enormous amount of money and study and time and effort into something that may or may not come back to us or may or may not be something in the future. Any developer in the City that would look at doing a development of this size potentially \$14 to \$20 million or the tax base without having some site control going into it would be foolish. They would be wasting their money because as soon as they started making it attractive other people would swoop in as Brian said to capitalize on the work already done. So, I would definitely urge my colleagues to look at this carefully but approve it. We're giving them six months to find out what would work and I think it send a clear and very concise message that this Board supports development. This Board looks at every piece of property that's owned by the City of Manchester and asks every developer out there to come either prove themselves with a small project or step up to the plate on a big project as these gentlemen are doing today, so I urge my colleague to support this.

Alderman Porter stated I think we could get into a long dissertation and debate...I guess I'd like to stick to one area. Part of the bundle of rights of ownership of property is the right to sell, lease, improve, not improve or just do nothing and I'd like to ask Attorney Marts if this agreement is granted do we not lose to sell that property next week?

Attorney Marts replied yes you do.

Alderman Porter stated thank you. We are giving up something. I believe we should get something for that. Now, I have just done and I'll get into numbers what the heck why not...if we take an assessed value of \$400,000 per acre and comes out to roughly \$1.120 million and Steve is here and could agree or disagree with that estimate that's fine...would you be willing to make a deposit of 6-months taxes non-refundable to the City which should

be about \$16,300 so that we would be giving up part of our bundle of rights and we would be getting something in return?

Attorney Marts asked are you asking me to answer that now, Alderman?

Alderman Porter replied yes...well, if you'd rather not I'd appreciate that and we can refer it to committee or do whatever.

Mr. Dacey stated I think that's why we're here is to answer the questions. I think that if we were putting down deposit money and I think we'd consider doing that but we'd be doing that in a situation where we had a true option where we could purchase the property for that amount. That's not what we're doing here and I do understand your point about the City is giving something up, yes the City is giving up the ability to sell this lot next week or in two months...incidentally, I've heard nothing about the City thinking about doing that and it seems as if everybody wants to wait for the studies to be done in the fall and so we understand that at the end of that process there may be a lot of rethinking of this and that is part of our risk, but I think the City in return is getting us out in the marketplace talking to retailers, coming up with concepts that we'll be sharing here with the City. Yes, if we aren't selected we don't have to turn everything over but the reality is we'll be meeting with the City staff...people are going to know what is feasible and what isn't so we think the City will be ahead of the game but I think if the City was willing to give us an option we would be willing to give you a deposit.

Alderman Porter stated I do have just one quick comment and in deference to my colleagues Alderman Thibault and Alderman O'Neil we bonded \$50 million for the Verizon, we bonded \$27.5 million or \$25 million depending upon the exact numbers on the ballpark, we bonded \$5 million for the parking garage...I think the taxpayers of this City have looked forward. Thank you.

Mayor Baines called upon and Alderman Guinta and stated then I am going to call for a vote.

Alderman Guinta stated some of the last comments you made sparks some new questions for me. Is there a reason this is not starting in Lands and Buildings Committee as opposed...why is it at the full Board for the first time as opposed to going through the committee process?

Mayor Baines replied generally on development deals like this they come directly to the Board.

Alderman Guinta stated they don't start in Lands and Buildings.

Mayor Baines reiterated they generally have been coming directly to the Board.

Alderman Guinta asked how long have the developers been in discussion with the City, with City staff?

Mayor Baines replied a couple of months.

Mr. Dacey stated I don't think it's even a couple of months. I think it's probably a month and a half.

Alderman Guinta stated because in all honesty Aldermen were apprised of this, I suspect, Friday...today's Tuesday, so I think it's also a challenge...Alderman Porter asked you a direct question about payment, a challenge to answer the question and we're being asked to make a decision on something that we've only know for a few business days which is a concern and the other two points I guess I would make is I think we have an Economic Development Director I suspect he has not weighed in on this would there be a reason why we wouldn't get a recommendation from our own Economic Development Director prior to making this decision.

Mayor Baines stated first of all he hasn't started yet and Bill Jabjiniak is the Destination Manchester Coordinator who's spearheaded this project.

Alderman Guinta stated I don't know if he's made a recommendation he just introduced the project.

Mayor Baines stated he spoke on behalf of the staff, the staff supports it.

Mr. Jabjiniak stated yes, Alderman, we did stand up and say that we do support the project as staff. We've worked with them with senior staff to go through all of the issues and layout the concerns that we had and we do stand in support of the project.

Alderman Guinta asked what are the concerns that staff had?

Mr. Jabjiniak replied number one, right up front, was parking...two is that we not commit to a long-term which is why at the end of the six months we can simply change directions on them and he has no real recourse at that point.

Alderman Guinta asked has anybody contacted Lansing Melbourne with respect to this particular lot since these discussions have taken place?

Mr. Jabjiniak replied yes we have. We've had their input as well and I think there is some interest in sitting down with the developer and that is actually starting to be scheduled in a couple of weeks to heard about that is a viable alternative for additional parking and how

does that work with a private development and how should the parking be structured along the way.

Alderman Guinta stated if we ask Lansing Melbourne to do a parking study in the City...halfway through the parking study we then let them know oh by the way somebody is looking to develop a lot...do you agree or disagree? Is that altering the end result of the study in any way on the part of the City?

Mr. Jabjiniak replied we didn't ask them to agree or disagree we asked for his input...is that a site that can be considered for structured parking or is that a site that is germane to other development and certainly he has come back and said it's important that we communicate and sit and work together to try to find a solution for the private development we don't want to stop the economic development side of it but also maintain and/or increase parking opportunities.

Alderman Guinta stated so they have no comment essentially because any area downtown quite honestly is prime for development or redevelopment. Any geographic area, plot downtown I would suspect they are going to give you that answer. So, they really don't have a comment at this point.

Mr. Jabjiniak stated I think what he indicated is that that lot is big enough to potentially hold more parking than what's there now.

Mayor Baines stated I am going to call for a vote...a few more, brief, okay, Alderman DeVries.

Alderman DeVries stated thank you very much. I just wanted to make sure the exclusive agreement...that would not preclude us from entering into a market appraisal on the parcel prior to December 31stthe answer I wanted from the group but I also want to hear from our City Solicitor as well.

Mayor Baines called upon City Solicitor Clark.

City Solicitor Clark stated you want to know whether or not we can get an appraisal on the value.

Alderman DeVries stated correct.

City Solicitor Clark stated this would not preclude that no.

Alderman Shea stated earlier this evening a gentleman in the audience mentioned about capping the taxes, this is an opportunity for the people of Manchester...if this is successful

and if they come back with a higher amount of taxes for this property as well as accommodate the parking that would reduce the taxes of the residential property owners in Manchester. So, I say and we've listened all evening to all kinds of discussions here but I say let's assume for the sake of discussion that we reject this tonight...what's going to happen, nothing. We're going to wait another six months, wait for a developer to come at the last minute...I don't think so. So, I say, your Honor, let's vote it up or down and let's get on with it.

Alderman O'Neil requested a roll call vote.

Mayor Baines stated people have made up their mind here and I know people want to get on record, I think we've had an opportunity to do that. Alderman Gatsas is next.

Alderman Gatsas stated I guess I have a question for Mr. Jabjiniak. Who authorized you to call the parking survey company for any input and did that cost us any additional funding for the survey without checking with even the Traffic Chairman?

Mayor Baines replied first of all we're meeting with the parking people on a regular basis this is just part of what they're doing here.

Mr. Jabjiniak stated the parking consultant was contacted by Finance staff who has taken the lead in the parking study. As a regular course of interaction with him this was brought up...there is not going to be any additional charge for it. I think he was certainly accommodating to us to provide some input in a timely manner.

Alderman Porter stated...Alderman Shea...and I appreciate the comments but I'd just like to make a point. Certainly, the job that's being done on Bridge and Elm is commendable and nothing that I say I hope you don't take as construed against you, your company or your intentions. But, I think I take exception...the reason we're hiring an Economic Development Director at a fairly decent pay with benefits is so that we don't sit around and wait for six months and have developers come to the City, we've done that for too long. We went into an exclusive agreement with the baseball...I'm not saying it's right, wrong or indifferent and with Downtown Visions...it is not the project, it is the process that I'm having a little bit of a problem with. I don't think that Mr. Jabjiniak or a real estate broker would ever let one of his listings give up a portion of their rights without a deposit. I'm not going to put you on the spot to answer that, Bill, but I know the answer. I just think that it's premature for us to have to make a decision three days after we've seen items on paper and this is the first opportunity we've had to ask questions. I think this City has done an awful lot on behalf of the taxpayers in moving forward and I think that the improvements that we've seen downtown, the energy, everything that is downtown is going to draw an interest in the downtown, however, I just think it's jumping the gun to wait before an Economic Development Director gets here to try to implement a marketing plan which could include

that and then everybody is included on an RFP process and that, in my opinion, would be the fairest way. Thank you.

Alderman Shea stated I would like to respond, your Honor.

Mayor Baines stated go head.

Alderman Shea stated I would think that an economic developer in the past has come to us and the Board, at times, has approved or rejected what the economic developer has come forward with. So, just merely to say that just because an economic developer is going to be in place that this Board who always expresses their own individuality and it's great that they do would approve whatever that person comes forward with, so that's my opinion and thank you for your comments.

Alderman Lopez stated I thank you for letting me ask a question I think it's important before I vote. Mr. MacKenzie, if I may, I have a lot of respect for you and your knowledge of the City of Manchester in providing this Board with good information. Could you weigh in on this project as a City official from Planning.

Mr. Robert MacKenzie, Director of Planning, stated sure and I probably won't comment on any issues with consideration for options or anything but if you look at the planning of the downtown, the City has developed some major anchors and that has started the redevelopment of the downtown...the Verizon in particular. I do see that a major retail project particularly if it was evenings and night time in the location would be another anchor for the downtown on the north end and it would create a significant pedestrian flow in between this location and the Verizon and that would have a positive impact on the businesses on this side of Elm Street and on the taxable property.

Alderman Lopez asked has any other developer presented any particular plans. I know that we talked about the Gas Light District but any has any other developer come to you or call you in reference to this particular project?

Mr. MacKenzie stated to the Pearl Street property, no.

Alderman Smith stated I've been sitting here for an hour listening to this debate and I really think...I met these gentlemen three and a half years ago when I was first on the Board and they came through with everything they said they were going to do and I think it's a gem to have Bridge and Elm Street...they're going to give their time, their money and resources, our staff supports it, our Manchester Destination Coordinator supports it and I really think we should be proactive and support this. We shouldn't look backwards, we're looking for support for our tax base, let's do it and it's not going to cost us, it's only a study and it's only going to cost us time. Thank you.

City Solicitor Clark stated your Honor, you may want the Clerk to read the motion.

Mayor Baines requested the Clerk read the motion.

Clerk Thibault stated the motion is to approve the request of Pearl Street Development Partners, LLC dated May 31, 2005 with the express understanding that there is no obligation on the part of the City to accept or to approve any proposed development or project.

A roll call vote was taken on the motion. Aldermen O’Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest, Roy and Sysyn voted yea. Aldermen Gatsas, Guinta, Osborne and Porter voted nay. The motion carried.

Mayor Baines stated good luck gentlemen and thank you for your confidence in Manchester and downtown.

Mr. Dacey stated thank you for your confidence and thank you for your vote this evening.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept Minutes

- A. Minutes of meetings of the Board of Mayor and Aldermen held:
March 28, 2005 (three meetings); March 30, 2005; April 5, 2005 (three meetings);
April 19, 2005 (two meetings); April 20, 2005; and May 3, 2005 (two meetings).

Informational- to be Received and Filed

- B. Communication from Leo R. Bernier, City Clerk, advising that Carol Johnson has attained the International designation of Certified Municipal Clerk.
- C. Minutes of the Mayor’s Utility Coordinating Committee meeting held on May 18, 2005.
- D. Copy of a communication from Kenneth Horak, Acting FEMA Regional Director, advising that Manchester’s Local Multi-Hazard Mitigation Plan satisfactorily meets all of the mandatory requirements.

Approve under supervision of the Department of Highways subject to the availability of funding

- E. Sidewalk Petitions – 50/50 Program FY2006

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- F.** Ordinance amendment submitted by the City Solicitor relative to adding new sections relating to the Office of Independent City Auditor.

COMMITTEE ON FINANCE

- G.** Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Dollars (\$4,000,000) for the 2006 CIP 711706, Cohas Brook Interceptor – Phase 2 #1 Project.”

- H.** Resolutions:

“Amending the FY1998, 1999, 2000 & 2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twelve Thousand Four Hundred Forty Five Dollars and Eighty Seven Cents (\$12,445.87) for FY2005 CIP 511605 Veterans Park Memorial Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Three Thousand Three Hundred Ninety Two Dollars (\$63,392) for the 2005 CIP 210505 School Based Dental Services.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for FY2005 CIP 412105 Gang Interdiction Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Fourteen Thousand Nine Hundred Seventeen Dollars (\$14,917) for FY2006 CIP 411306 Enforcing Underage Drinking Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Two Thousand Five Hundred Eighty Three Dollars (\$102,583) for FY2006 411406 Byrne Justice Assistance Grant Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Six Thousand Two Hundred Fifty Dollars (\$106,250) for CIP 411506 Homeland Security & Hazardous Material Project.”

“Authorizing the Finance Officer to effect a transfer of Six Hundred Sixty Dollars and Seventy Seven Cents (\$660.77) for the 2005 CIP 511605 Veterans Park Memorial Project.”

“Authorizing the Finance Officer to effect a transfer of One Thousand Six Hundred Sixty One Dollars and Fifty Cents (\$1,661.50) for the 2005 CIP 511605 Veterans Park Memorial Project.”

“Authorizing the Finance Officer to effect a transfer of Ten Thousand One Hundred Twenty Three Dollars and Sixty Cents (\$10,123.60) for the 2005 CIP 511605 Veterans Park Memorial Project.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- I.** Advising that it has accepted the City’s Monthly Financial Statements for the ten months ended April 30, 2005 submitted by the Finance Department, and is forwarding same to the Board for informational purposes.
- J.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report all invoices for interdepartmental billings only;
 - d) open invoice report all invoices due from the School Dept. only;
 - e) listing of invoices submitted to City Solicitor for legal determination; and
 - f) accounts receivable summary.
- and is forwarding same to the Board for informational purposes.

COMMITTEE ON COMMUNITY IMPROVEMENT

- K.** Recommending that the Board of Mayor and Aldermen authorize the Planning Director to submit the City’s Consolidated Plan for 2005-2010 to HUD.
- L.** Recommending that the \$400,000 reimbursement that the City is receiving from the NH Department of Transportation be distributed as follows:
- 1) \$250,000 to fund the final portion of the cost of Revaluation (this is in the proposed FY06 CIP);
 - 2) \$100,000 for the establishment of a CIP account for watershed conservation/preservation;
 - 3) \$40,000 for the establishment of a CIP account for conservation in and around Crystal Lake; and
 - 4) \$10,000 to be returned to the Riverwalk or utilized for projects with a comparable bond life.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O’NEIL, DULY SECONDED BY ALDERMAN FOREST, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Mayor Baines presented the following nominations:

Personnel Appeals Board:

James G. Folopoulos to succeed Jenny Stephen, term to expire March 1, 2008.

Conservation Commission:

Marty Gavin to succeed himself, term to expire August 1, 2008.

Parks, Recreation & Cemeteries Commission:

Steve Johnson to succeed himself, term to expire July 7, 2008; and
George “Butch” Joseph to succeed himself, term to expire July 7, 2008.

Per rules of the Board the nominations will layover until the next meeting.

Mayor Baines stated I am also asking the Board to confirm Kevin Buckley as the Independent Internal Auditor.

Alderman Porter moved to confirm Kevin Buckley as the City’s Independent Internal Auditor. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

Alderman Lopez stated I’d like to ask the Human Resources Director...I know there was a request to change some things in his job description...has all of that been done?

Mayor Baines stated that was going before the Committee, right Tom? Ginny?

Ms. Virginia Lamberton, Human Resources Director, stated I was informed tonight by Kevin Buckley that it’s going to be referred to a Committee.

Mayor Baines stated we’ve had the wording and it will go into committee.

8. Confirmation of the nomination of Donna M. Soucy to succeed herself as a member of the Fire Commission, term to expire May 1, 2008.

On motion of Alderman Porter, duly seconded by Alderman Sysyn, it was voted to confirm the nomination of Donna M. Soucy as presented.

Mayor Baines stated as you know Donna is the first female Fire Commissioner.

9. A report of the Committee on Community Improvement was presented recommending that the Board of Mayor and Aldermen approve a contract between the City of Manchester and the NH Department of Health and Human Services for outpatient substance abuse services to adolescents and that the Mayor be authorized to execute same on behalf of the City subject to the review and approval of the City Solicitor.

Alderman Roy moved to accept, receive and adopt a report of the Committee on Community Improvement. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Community Improvement was presented recommending that the Board authorize acceptance and expenditure of funds in the amount of Forty Thousand (\$40,000) for the 2006 CIP 214006 Substance Abuse Treatment Services Program, and for such purpose a resolution and budget authorization has been submitted for referral to the Committee on Finance.

Alderman O'Neil moved to accept, receive and adopt the second report of the Committee on Community Improvement. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

A third report of the Committee on Community Improvement was presented recommending that the Board authorize acceptance and expenditure of funds for projects as follows:

210505 School Based Dental Services \$63,392
412105 Gang Interdiction Program \$40,000
411306 Enforcing Underage Drinking Program \$14,917
411406 Byrne Justice Assistance Grant Program \$102,583
411506 Homeland Security & Hazardous Materials Project \$106,250

and for such purpose resolutions and budget authorizations have been submitted.

Alderman Thibault moved to accept, receive and adopt the third report of the Committee on Community Improvement. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas asked can I get clarification as to what items would be on the Finance agenda.

Clerk Thibault stated we already placed the resolutions on the Finance agenda in anticipation that the CIP Committee would approve them this evening.

Mayor Baines stated those will come up during Finance.

A fourth report of the Committee on Community Improvement was presented recommending that the Board of Mayor and Aldermen authorize \$100,000 from the NHDOT reimbursement (previously recommended for watershed conservation/preservation) be granted through the CIP program to For Manchester and Families in Transition for the purpose of acquiring the Blacksmith Shop on Bass Island subject to the following conditions:

- a) concurrence from the SEPP Committee,
- b) appropriate restrictions for the conservation and preservation of the property; and
- c) approval by the City Solicitor.

Alderman O'Neil moved to accept, receive and adopt the fourth report of the Committee on Community Improvement. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

A fifth report of the Committee on Community Improvement was presented recommending that various CIP project enclosed herein be extended until December 31, 2005.

Alderman O'Neil moved to accept, receive and adopt the fifth report of the Committee on Community Improvement. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

A sixth report of the Committee on Community Improvement was presented advising that it has approved a request from Bruce Thomas of the Highway Department to complete various projects enclosed herein as part of the City's Chronic Drain Program, subject to the availability of funding.

Alderman O'Neil moved to accept, receive and adopt the sixth report of the Committee on Community Improvement. Alderman DeVries duly seconded the motion.

Alderman Roy stated if Kevin Sheppard is here one simple question. This allows a total of \$55,750 and it lists as the highest priorities per the memo. What would it take to actually complete the list and I know that's a number you may not know off the top of your head.

Mr. Kevin Sheppard, Deputy Public Works Director, stated looking at the list you have before you we reviewed that. That is the majority of the projects...there's always projects being identified, there's probably another 15 projects but we don't see them as a priority. I think that list before you would be our priority projects to be taken care of. Once those are done we still would estimate a balance of about \$15,000 in the account.

Alderman Roy stated when you look at the City's Chronic Drain Program what falls into that compared to and I'm referencing the Ward 1 issue that we've spoken about.

Mr. Sheppard stated we look at the Chronic Drain as projects being typically, roughly \$15,000 and under and Chronic Drain is typically projects we undertake ourselves with our crews versus the major drain projects we're looking at anything above \$25,000 that most of the time would be contracted out.

Alderman Roy asked how many of those larger or major chronic drain problems would you estimate we have city-wide?

Mr. Sheppard replied I'd estimate we anywhere from 12 to 16 right now on our list...probably potentially over \$3 million worth of work.

Mayor Baines called for a vote on the motion to accept the sixth report. There being none opposed, the motion carried.

A seventh report of the Committee on Community Improvement was presented recommending that the Board accept a dedication of a highway to be known as Goebel Street upon verification by the City Solicitor that all interested parties have signed off on the petition.

Alderman O'Neil moved to accept, receive and adopt the seventh report of the Committee on Community Improvement to accept the dedication of Goebel Street as outlined, accepting the street as a public street, and approving the street name and grades as established. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Thibault, duly seconded by Alderman Sysyn, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

- 12.** A report of the Committee on Finance was presented recommending that Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Dollars (\$4,000,000) for the 2006 CIP 711706, Cohas Brook Interceptor – Phase 2 #1 Project.”

ought to pass and layover and further that Resolutions:

“Amending the FY1998, 1999, 2000 & 2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twelve Thousand Four Hundred Forty Five Dollars and Eighty Seven Cents (\$12,445.87) for FY2005 CIP 511605 Veterans Park Memorial Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Three Thousand Three Hundred Ninety Two Dollars (\$63,392) for the 2005 CIP 210505 School Based Dental Services.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for FY2005 CIP 412105 Gang Interdiction Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Fourteen Thousand Nine Hundred Seventeen Dollars (\$14,917) for FY2006 CIP 411306 Enforcing Underage Drinking Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Two Thousand Five Hundred Eighty Three Dollars (\$102,583) for FY2006 411406 Byrne Justice Assistance Grant Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Six Thousand Two Hundred Fifty Dollars (\$106,250) for CIP 411506 Homeland Security & Hazardous Material Project.”

“Authorizing the Finance Officer to effect a transfer of Six Hundred Sixty Dollars and Seventy Seven Cents (\$660.77) for the 2005 CIP 511605 Veterans Park Memorial Project.”

“Authorizing the Finance Officer to effect a transfer of One Thousand Six Hundred Sixty One Dollars and Fifty Cents (\$1,661.50) for the 2005 CIP 511605 Veterans Park Memorial Project.”

“Authorizing the Finance Officer to effect a transfer of Ten Thousand One Hundred Twenty Three Dollars and Sixty Cents (\$10,123.60) for the 2005 CIP 511605 Veterans Park Memorial Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for the 2006 CIP 214006 Substance Abuse Treatment Services Program.”

ought to pass and be enrolled.

Alderman Sysyn moved to accept, receive and adopt a report of the Committee on Finance, Alderman Garrity duly seconded the motion.

Alderman Gatsas in reference to project 810206 a \$40,000 appropriation for Riverwalk Sculpture asked can somebody explain that to me.

Mayor Baines called upon Mr. Robert MacKenzie. Isn't that from the Public Arts Fund that was established to go to art projects in the City.

Mr. MacKenzie replied I believe so but if I could just verify that.

Alderman Gatsas asked where's the money coming from.

Mayor Baines stated it's coming from the Arts Fund that we established. Money to go to projects that's proposed by the Arts Commission and it's public art.

Alderman Gatsas asked what is the sculpture in front of the Verizon on in one of Manchester's parks?

Mr. MacKenzie stated the Board did establish an Arts Fund...the final location has not been selected. The Arts Commission would be going out for proposals for both...the type of sculpture and the special location. So, the location has not been pinned down yet.

Alderman Gatsas asked does that mean that this Board isn't going to see any design work or where it's going to go...they just have the option of putting it where they want?

Mr. MacKenzie replied they would normally carry out the project “as is” unless the Board requested to see it prior to or see it at a certain stage.

Mayor Baines interjected that is why we have Boards and Commissions.

Alderman Gatsas stated I understand but it’s taxpayers money.

Mayor Baines stated they’re appointed by the Board of Mayor and Aldermen as a Commission.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Lopez stated for clarification, Mr. MacKenzie, correct me if I’m wrong it’s not all taxpayers money. Money has been donated by private individuals to the Art Fund is that correct?

Mr. MacKenzie replied yes. Some of that was private donations others was a reimbursement, I believe, from the Verizon Wireless Arena...overages that they were required to pay to the City.

Alderman Shea stated I’d be interested in how much the Verizon contributed to that. Is there any idea, Bob?

Mr. Kevin Clougherty, Finance Officer, replied I thought it was about \$110,000 is my general recollection.

Alderman Shea stated this project is only worth \$40,000. Good I’m glad we got something back.

- 13.** A report of the Committee on Traffic/Public Safety was presented recommending that a request from Thomas Lee of Regan Communications for the use of the Arms Park Lot on Saturday, July 16, 2005 from 11 AM until 7 PM for a free family-focused event sponsored by Dunkin’ Donuts be granted and approved, under the direct supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk Department.

Alderman Sysyn moved to accept, receive and adopt a report of the Committee on Traffic/Public Safety. Alderman O’Neil duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Traffic/Public Safety was presented recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

Alderman Sysyn moved to accept, receive and adopt a report of the Committee on Traffic/Public Safety. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

- 14.** Communication from Mayor Baines requesting the Charter of the City of Manchester be amended by deleting Section 8.05 Incompatibility of Office and replacing it with a new Section 8.05 Incompatibility of Office as follows:

§8.05 Incompatibility of Office.

- (a) No elected city official shall be employed by the city or by the school district until one(1) year has elapsed from the completion of the term for which the official was elected.
- (b) Acceptance of an elected office by a city or by a school district employee shall result in termination of employment.

Alderman Shea moved to refer the proposed charter amendment to public hearing on Tuesday, July 19, 2005 at 5:30 PM in the Aldermanic Chambers of City Hall. Alderman Osborne duly seconded the motion.

Alderman Shea stated I want you to recall when you worked on the School Board years back and one of the members decided they wanted to get a job as a custodian and that was approved but at that time was there anything in the City Charter that indicated that that person should have been allowed to do that?

Mayor Baines stated that's way back. We've been through that...I think originally there was a state law, Tom...you can go through the whole history of this issue...that's exactly what was happening. In fact, even Aldermen were resigning to take City positions at that time and I think Senator Bossie at the time introduced a law but I don't know the whole history of the thing.

City Solicitor Clark stated originally there was some members of various boards who were resigning and taking employment and Senator Bossie who was also an Alderman at that time introduced legislation to prohibit it. Subsequent to that it was incorporated into various charters with some changes in languages. This particular draft here will reclarify the language so there's no misunderstanding.

Alderman Shea stated we have nothing in our present charter at all.

Mayor Baines stated that was the issue that we had via different interpretations and whenever you can have different interpretations I think there's some problems with the language. So I asked Tom to work on some language that would clarify it and everybody will understand that you can't do that.

Alderman Lopez stated I'm going to go ahead and vote for this to send it to public hearing but I just want to make a comment that as a member of the Charter Commission we had four lawyers on that Charter Commission and sent the document up to the state and they reviewed every aspect of it...I agree with our City Attorney that he made the right decision that elected term means that and I think that was the all intent of the Charter Commission. Now, every time we have a question about the Charter other attorneys with all due respect to them are going to get involved...then they should do it the proper way. If they're going to challenge our City Attorney in making a determination as to what he believes and guides this Board and the Charter there's also another process...they can go to court, they can do anything they want. I think...I personally believe that our City Attorneys ruling would be held up in court.

Alderman Roy stated one question for Solicitor Clark...can we as a Board or through Charter restrict was someone does after they're no longer an elected official or a member of the School Board here in the City?

City Solicitor Clark replied this type of a provision is not uncommon, it's used throughout the country and yes you can do it. It's a person's choice of whether they want to run for office and they'll know ahead of time that if they do choose to run for office then they're giving up something else.

Alderman Guinta stated I have a couple of clarifications...for (a) does that mean that you're elected to a term...that's clarifying...you're not talking about one year from the date you leave office, it's one year from the date the term is completed.

City Solicitor Clark replied correct.

Alderman Guinta stated the second...explain this to me..."acceptance of an elected office..." I don't understand.

City Solicitor Clark stated that is not a change that is in the present Charter. A city employee is allowed to run for office. If he runs for office and is elected then upon taking office it results in the termination of his employment.

Mayor Baines stated for example when I became Mayor I had to resign my term a Principal.

Alderman Guinta asked is there any concerns with that language with respect to any agreements we have with unions?

Mayor Baines replied no. Alderman Shea had to do the same thing when he became an Alderman.

Alderman Guinta stated but if you're a union member you can't terminate union members...

Mayor Baines stated if they decide that's an elective thing you know that's the rule there's a conflict that's inherent in that...let's say if Kevin Clougherty wanted to be an Alderman.

Alderman Guinta stated he not in a union.

Mayor Baines stated it doesn't matter if you're in a union or not.

Alderman Guinta stated my point is according to the union contracts are there any concerns with this language, you can't just terminate...there's a...a union member runs for office and wins theoretically this says that union member has to be terminated.

Mayor Baines stated that's correct.

Alderman Guinta stated my concern...well, I would assume he would take the office if he's running...is there anything in the union contracts that is a problem with us having that termination clause.

Mayor Baines replied the answer's no but I'll ask the City Solicitor.

City Solicitor Clark replied in my opinion there's no problem with it. There's a long-standing provision of the Charter...the union employee if he so chooses to run does so with the understanding that he'll be terminated if he is elected and takes office. There's nothing in a union contract that can supercede the Constitution of the City, which is the Charter.

Alderman Guinta stated the final point I would make is why would we not include commissioners in 8.05 (a)?

Mayor Baines stated they're not elected.

Alderman Guinta stated oh, I understand they're not elected, however, the issue here is undue influence. So, I guess the question would be does a commissioner have undue influence similar to Aldermen or a School Board member?

City Solicitor Clark replied that is up to the prerogative of this Board if this Board wishes to include members of the commissions they could do so.

Alderman Guinta stated I'd like to make that amendment.

Mayor Baines asked would we take the amendment now before it goes to the hearing?

City Solicitor Clark replied it's a valid issue. What I would suggest this Board do if you wish to do that you would refer both questions to the public hearing if you choose to decide not to do one or the other because once you send it to the public hearing there's a different process for a Charter amendment. The question that really comes back...you really can't play with it afterwards. So, if you wish to refer the question of commissioners also to the public hearing I'd say yes you'd refer both questions.

Alderman Guinta asked would I do that in the form of an amendment?

City Solicitor Clark stated you'd move also to refer a question including commissioners, members of boards and commissions.

Mayor Baines stated let's just think this through though. Let's say if you're a member of the Conservation Commission and you want to become a teacher, teach science...do you really want to preclude that person from the Conservation Commission by accepting an appointment and they can't apply ever to be a teacher where there is no apparent conflict whatsoever.

Alderman Guinta stated there's no conflict in that situation but there are probably other situations where there might be conflicts...what we want to do is be very clear.

City Solicitor Clark stated to point out to the Board to make sure that everybody understands...presently, a City employee can be a member of a commission in another department. Currently, City employees are allowed to be on commissions of other departments. A teacher is allowed to be on commissions...

Mayor Baines stated this is responding to an immediate situation. The situation you've just brought up to my knowledge has never been an issue.

Alderman Smith stated most commissions are just advisory and run by the department with the exception of Water Works and Airport that I know of. All the other ones are just advisory...the department head runs that department.

Mayor Baines asked would you like to make a motion?

Alderman Guinta replied I would like to make a motion I think at least it should be referred to the public hearing and we should consider it. My point would be if there is a Charter change at some point and there's more power restored to commissioners we should be wary of it.

Mayor Baines stated I would just be concerned that it might be overreaching.

Alderman Porter asked in the original Charter did it have anything about a year?

City Solicitor Clark replied no there was nothing about that.

Alderman Porter stated I'm having a little bit of a problem, quite frankly, with that because I think if somebody makes a conscientious decision not to run for whatever...let's say the Board of Aldermen...and an opening comes up to teach that they would be precluded from that job for a full year after the term. I do agree with tightening up because of a couple of situations that did occur which I think was contrary to the initial intent but I just think the one year...I'm going to vote obviously to pass it on to public hearing but I do have a little bit of concern with that one year. It's almost like insinuating or implying that anyone who gets a job with the City because they happen to have been an Aldermen or a School Board member it's been undue influence and I don't necessarily agree with that. Thank you.

Mayor Baines stated a valid point.

Alderman Gatsas stated while we're on the subject I think I spoke to you last week and I spoke to the City Solicitor today so that we could put behind us the situation of appointing School Board members so I'm going to be looking for language from the City Solicitor who entered into a piece of legislation that says that anything that's less than...anything that's more than six months from the time of an election that there will be a special election and it will be enabling legislation so that the community can make that decision so that this rumor mill situation when people are appointed doesn't exacerbate members when they do get appointed.

Alderman O'Neil stated one of the things and I don't think there's any overreaction to...this obviously came out of the School Board situation but I just want us to be cautious...we have a number of members of this Board who served in municipal government...if for some reason...I can't envision this would ever happen but say we needed an interim Superintendent of Schools...could Bill Shea be qualified for that...the answer is yes but he...maybe today he can't do it I don't know. I think of John Lydon when he was an Alderman...if for some reason we needed to have an interim fire chief...John Lydon was a retired Fire Chief...for some reason if the whole top tier of the Fire Department retired and we needed to appoint somebody for a certain period I think of somebody like John Lydon...with this he wouldn't be able to do it. I just want us to be cautious. This is out of a reaction from an incident that happened over at the School Board. I just want us to think...I'm going to vote to send this to the public hearing but there are sometimes exceptions, there are sometimes great experience sitting in this body and I just want to make sure that we think this thing through because ultimately it's what's in the best interest of the citizens, not what's in the best interest of the School Board, the Board of Aldermen or the Mayor it's what's in the best interest of the citizens. I can't think of it ever happening since I've been around here. You do read about that sometimes in other communities where an

elected official takes over an interim role as town manager or something like that, I just want to make sure we don't handcuff ourselves too much.

Mayor Baines stated the only change from what was existing in the Charter right up to this new interpretation...we're just putting back in place what was already in place with the exception of the one year. Alderman Porter raised a very valid concern...we could have a public hearing, get input and decide what we finally send to the voters.

Alderman Roy stated while I support sending this to the public I would caution my colleagues as I look through our commissions and our different boards we have a lot of our most committed City employees serving on those commissions so I would hate to preclude some of our very dedicated and sometimes extraordinary employees from being able to serve. So, I'd look to not have an amendment.

Mayor Baines called for a vote on the motion to refer the proposed Charter amendment to public hearing. There being none opposed, the motion carried.

- 15.** Notice for reconsideration given by Aldermen Roy and DeVries on motion to release and discharge Madison Street as petitioned, subject to maintaining any and all easements, which may exist at this time.
(Motion having carried with Aldermen Guinta, Sysyn, Porter, Shea, Garrity, Smith, Thibault, Forest and O'Neil voting yea, and Aldermen Gatsas, Osborne and Lopez being absent.)
Note: Should Aldermen Roy and DeVries or any member having voted in the affirmative so desire, a motion may be in order to reconsider.

Mayor Baines asked Mr. Clark what is the procedure for this?

City Solicitor Clark replied I believe they are going to withdraw their notice for reconsideration.

Alderman DeVries stated actually we'd like to withdraw the notice for reconsideration.

Alderman Roy stated one very brief comment. What raised the concern in both my eyes and Alderman DeVries' eyes was the fact that we have on-going studies around the JacPac area and as much as because of legal complications we are withdrawing the notice. We would like to see anything that goes on in that South Elm Street/JacPac area get the highest scrutiny from this Board especially when it comes to any paper streets, any access, anything that could involve what the potential of that site is. Thank you.

Mayor Baines stated I grew up on Jefferson Street right next to it and I can remember my Dad talking about that street thirty something years ago and here we are as a Board eliminating it.

Clerk Thibault stated that Alderman Gatsas wished to be recorded in opposition to CIP budget authorization 610906 (Operational/Destination Coordinator) which appeared on the Committee on Finance agenda this evening.

Alderman Gatsas stated the recording of that vote that I voted in opposition to it shows that there's \$99,000 that goes to Bill Jabjiniak's salary. I didn't know we paid him that much.

Mayor Baines stated he didn't know you paid him that much either, he'll take it though.

Alderman Gatsas asked where do those funds go?

Mayor Baines asked can we clarify that?

Mr. MacKenzie stated because it's being paid for by basically federal funds it includes his actual salary, benefits and there's a couple of thousand dollars from miscellaneous expense items. So, it does include benefits which is typically 35%.

Mayor Baines stated thanks for the clarification.

- 16.** Communication from Leo R. Bernier, City Clerk, requesting that the regularly scheduled meeting in July be held on Tuesday, July 19, 2005 to accommodate the Independence Day Holiday and family vacations.

Alderman Lopez moved to approve the request to reschedule the July Board meeting to Tuesday, July 19, 2005. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

- 17.** Communication from Leo R. Bernier, City Clerk, requesting Sally Fellows, Archivist and Records Manager, make a presentation to the Board on July 19, 2005 at 6:15 PM regarding an old model Edison Voice Writer used in the early 1960's for recording purposes.

Alderman Smith stated a point...we're going to have a public hearing at 5:30 that same evening.

City Clerk Bernier stated that should be plenty of time.

Alderman Lopez moved to approve the request of a presentation by Ms. Fellows on July 19, 2005 at 6:15 PM. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

- 18.** Communication from Leo R. Bernier, City Clerk, on behalf of the City's Ward Moderators requesting consideration of changing hour's polls are opened on election day(s).

Mayor Baines asked Leo would you mind explaining.

City Clerk Bernier stated there are a number of moderators over several years who have asked me to come to the Board to change the hours. As you know this past Presidential election we worked 22 hours and some of our seasoned ward workers who have been with us for a long time just can handle the 20 or so hours of working on election day. Unfortunately, there aren't a lot of young people coming to help us out so suggested in the letter that polls be opened from 7 AM to 7 PM and I also threw in 7 AM to 8 PM. The population is changing...we did a survey in the early 1990's and found out there was about 1,500 to 2,000 people who voted between 6 AM to 7 AM and that is no longer the case. So, we're trying to meet their needs and this Board can make that decision if they so desire. Currently, the polls are open from 6 AM to 7 PM.

Mayor Baines asked what do other communities do?

City Clerk Bernier replied Nashua closes at 8 PM...I think they open at 8 AM. I know they close at 8 PM though.

Alderman O'Neil stated before we make any quick changes I do always support the City Clerk in their efforts to make things better having been both a selectman and a ward moderator...that six o'clock timeframe a lot of people still count on it...6 AM timeframe. One of the issues may be I know that the Clerk has presented to us in the past and we haven't always supported him on it taking a look at the pay of the ward workers and maybe that's something we need to look at. I'd be very cautious about changing that 6 AM opening time...having worked in the wards and been out campaigning and around the City on election days that's still a very popular time for people to vote.

Mayor Baines stated a lot of people do like to vote before they go to work.

Alderman Guinta asked could we put together some sort of proactive marketing plan to maybe identify a more diverse group of election day workers.

Mayor Baines asked what have we done to recruit additional people to work on election days. I think that is really your essence to get additional people to sign up.

City Clerk Bernier stated we have advertised for people and we're willing to pay them a good salary and the numbers are just not there. It's a national problem, it's not unique to the City of Manchester. This is a suggestion from the moderators who brought it to my attention and also ward elected officials. But, this Board makes the final decision. So, if you want to continue 6 AM to 7 PM that's fine.

Mayor Baines asked what's the rate we're currently paying.

City Clerk Bernier replied for moderators is \$150/day.

Mayor Baines stated the issue right now is not that it's the hours.

Alderman Gatsas asked if we paid \$250/day would that attract more people or \$125/half day because I think the problem is when you look at some of these moderators or people who are working in the wards they're elderly people and for them to go 12, 14, 16 hours is not an easy thing. So, maybe we look at \$125 for an 8-hour shift and you may find more people willing to participate.

Mayor Baines asked are you supporting the change from 6 AM to 7 PM?

City Clerk Bernier stated I think the good time would be 7 AM to 8 PM that is my suggestion. I think I see the voters changing, I think there are a lot of people in Wards 8, 10, 6 are working outside the City.

Alderman Forest stated I'm pretty close to the ward clerk in my ward.

Mayor Baines asked could you explain that please.

Alderman Forest replied I'm married to her but I think the problem that my wife has as a ward clerk is getting people to go and work the polls and the 22 hours that they had last time for \$100 for a regular ward worker...I think it was brought up to this Board last year to give them an hourly scale which we voted down and I think the majority is the long hours and some people split it but when you work from six in the morning till seven or eight at night and then you've got to work a couple of hours after the polls close like Leo said a lot of the ward workers have been here for 20, 25 years and it's a long day for them.

Alderman Thibault stated I think Alderman Gatsas might just touch on something...maybe we should have more than just one crew, maybe there should be two crews. If we're going to ask people to work 18, 20 hours that's not feasible and like he said a lot of these people are elderly. But, why couldn't we have somebody come in say five in the morning till maybe one o'clock in the afternoon and someone else come in from one o'clock till seven or eight o'clock at night depending on when we're open. But, I don't believe that we should change to seven o'clock. I believe Alderman O'Neil is very right in saying that a lot of the people are working in Boston or other places come and vote before they leave for work in the morning because they get here too late at night to vote. So, I think that's a very careful thing that we should look at.

Alderman Smith stated I was a selectman over in Ward 10 for 22 years and I believe and I know that at the last election there was over 100 that voted between six and seven...I would like to have the hours stay the same and it's a matter of what recruitment to get people to work but like I say there is a lot of people that work early...bread salesmen and so forth are traveling to Boston and they like to vote early and then commute and I'd like to have the hours stay just the way they are.

Alderman DeVries stated I guess the way this discussion is going I will change some of my questions and ask the City Clerk's office built into your budget for the elections that you'll see this year do you have the funds available that you could split the shifts for the day and pay for two shifts each paid at the same rate that they're receiving for the full shift today?

City Clerk Bernier replied no. A moderator gets \$150/day so you'd have two moderators which would be \$300/day, it would be \$150/half-a-day and \$150 for the other person at half-a-day. So, it would double the salary.

Mayor Baines stated we're getting off of the issue...the issue at hand...I'd like the Board just to deal with the hours issue and then we could refer staffing and salary issue back to the City Clerk with a subsequent referral.

Alderman DeVries stated, your Honor, I think that is exactly why I asked that question because I could see people were shifting toward wanting to look at this as two separate shifts and monetary and unless we address that in the budget process it's kind of difficult to just pass down a change of decision of that sort to the City Clerk's office. The only other item I would remind people is that it is possible to utilize absentee ballots...state law does say that's available to an individual when they are out-of-town but a brief conversation with the City Clerk before this meeting it's not normally the way an absentee ballot is used if you're working out-of-town but it is legal and permissible to file for an absentee ballot.

Alderman Shea stated if we keep talking about this this will be here and we'll be able to vote tonight. Let's go up or down, your Honor...6 AM to 7 PM...that's my motion to keep it the same as it was.

Mayor Baines asked has there been a motion made.

City Clerk Bernier replied no.

Alderman Shea moved to receive and file the communication from the City Clerk relating to consideration of changing polling hours. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

Alderman O’Neil stated as a suggestion that maybe you with Alderman Shea as Chairman could set up special...there are a number of Aldermen here who have been officers either selectmen, moderators, clerks in the ward or may have been ballot inspectors and maybe between the two of you we could set up a committee to work with whether it’s split shift...just increasing the pay for the day or whatever it may be to try to attract more people that are willing to work the wards.

Mayor Baines stated excellent we’ll do that.

- 19.** Communication from Carol Johnson, Deputy City Clerk, requesting the Board direct the Chief of Police or his designee to issue civil forfeitures to each owner of an unlicensed dog via a warrant issued pursuant to RSA 466:14 and authorize the City Clerk to remove names from this listing as deemed appropriate.

Alderman Forest moved to approve the warrant under the Hand and Seal of the Board of Mayor and Aldermen pursuant to RSA 446:14; and authorize the City Clerk to remove names from this listing as deemed appropriate. Alderman DeVries, duly seconded the motion. There being none opposed, the motion carried.

- 20.** Communication from Kevin Dillon, Airport Director, requesting the Board’s support in passing a resolution regarding the repeal of the Wright Amendment, a federal law established in 1979, which restricts commercial flight activity.

“A Resolution by the City of Manchester, New Hampshire Supporting the Repeal of the Wright Amendment.”

On motion of Alderman Thibault, duly seconded by Alderman Sysyn, it was voted that the Resolution be read by title only, and it was so done.

Clerk Thibault stated that a substitute resolution has been distributed to Board members this evening.

Alderman O’Neil moved that the Resolution pass and be adopted. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

- 21.** Communication from Ward 1 Selectmen requesting the polling location be moved from Webster Elementary School at 2519 Elm Street to Brookside Congregational Church at 2013 Elm Street in order to meet State and Federal guidelines of the Americans with Disabilities Act.

Alderman Roy stated they have my absolute and full support. Webster School has increasingly gotten difficult with great voter turnouts for people to make it in and out of the building.

Alderman Roy moved to approve the request to change the Ward 1 polling location from Webster Elementary School to Brookside Congregational Church. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

- 22.** Communication from Thomas Bowen, Water Works Director, seeking the Board authorization to enter into an Intermunicipal Indemnification Agreement between the City of Manchester and the Town of Auburn which will allow for Manchester Water Works' watershed patrol officers to be sworn in as part-time special officers in the Town of Auburn.

Alderman Smith moved to authorize the Manchester Water Works to enter into an Intermunicipal Indemnification Agreement between the City of Manchester and the Town of Auburn, as outlined herein, subject to the review and approval of the City Solicitor. Alderman Porter duly seconded the motion. There being none opposed, the motion carried.

- 23.** Communication from Portsmouth Mayor Evelyn Sirrell requesting the City consider making a financial contribution of any size to the Seacoast Shipyard Association in light of the recent announcement that the Portsmouth Naval Shipyard be included on the Base Realignment and Closure Commission list to be submitted to President Bush.

Alderman Shea stated this evening we did get a report from Kevin Clougherty regarding the state of our budget and we do have some departments that obviously will need a little bit of help I'm not quite sure what the Board members would want to do...charity begins at home as it were and certainly it's a worthy situation over in the seacoast area but I'll let Kevin address that.

Mr. Clougherty stated my recommendation would be if the Board was inclined to make a contribution that they not do it out of this fiscal year but consider that at the July meeting when we have a new budget and you have some Civic Contribution dollars and give you some time to think about a dollar amount.

Alderman Shea moved to refer the communication to the July 19, 2005 meeting of the Board of Mayor and Aldermen. Alderman Thibault duly seconded the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

Alderman Roy stated one of the things that we can do with absolutely no cost to the taxpayers is highlighted in the fourth paragraph...“please ask your citizens to send those letters to President George Bush” and then forward them to senators and congressmen. It may not be about money but more the outpouring of support for the Naval Shipyard so I would ask the Mayor's office to possibly draft a letter and put it on the City website so that people can just print it out, add their name and forward it to our Congressional district and officials.

Mayor Baines stated we will so do that.

24. Resolutions:

“Amending the FY1998, 1999, 2000 & 2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twelve Thousand Four Hundred Forty Five Dollars and Eighty Seven Cents (\$12,445.87) for FY2005 CIP 511605 Veterans Park Memorial Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Three Thousand Three Hundred Ninety Two Dollars (\$63,392) for the 2005 CIP 210505 School Based Dental Services.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for FY2005 CIP 412105 Gang Interdiction Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Fourteen Thousand Nine Hundred Seventeen Dollars (\$14,917) for FY2006 CIP 411306 Enforcing Underage Drinking Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Two Thousand Five Hundred Eighty Three Dollars (\$102,583) for FY2006 411406 Byrne Justice Assistance Grant Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Six Thousand Two Hundred Fifty Dollars (\$106,250) for CIP 411506 Homeland Security & Hazardous Material Project.”

“Authorizing the Finance Officer to effect a transfer of Six Hundred Sixty Dollars and Seventy Seven Cents (\$660.77) for the 2005 CIP 511605 Veterans Park Memorial Project.”

“Authorizing the Finance Officer to effect a transfer of One Thousand Six Hundred Sixty One Dollars and Fifty Cents (\$1,661.50) for the 2005 CIP 511605 Veterans Park Memorial Project.”

“Authorizing the Finance Officer to effect a transfer of Ten Thousand One Hundred Twenty Three Dollars and Sixty Cents (\$10,123.60) for the 2005 CIP 511605 Veterans Park Memorial Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for the 2006 CIP 214006 Substance Abuse Treatment Services Program.”

On motion of Alderman O’Neil, duly seconded by Alderman DeVries, it was voted to dispense with the reading of the Resolution by titles only.

Clerk Thibault stated the resolution relating to 2006 CIP 214006 Substance Abuse Treatment Services Program will be added to the list.

Alderman Shea moved that the Resolutions pass and be enrolled. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

25. NEW BUSINESS

Mayor Baines stated the Relay For Life will be at 6 PM on Friday, June 10, 2005 at Livingston Park...that's the annual Relay For Life...a lot of cancer survivors will be participating and also people will be walking in memory of loved ones they've lost from cancer and we'll also be initiating the Manchester and the Mayor's Crusade Against Cancer at 6 PM on Friday night at Livingston Park.

Alderman Gatsas stated I have a question. I noticed in the paper the other day that the parking lot in front of Jillians has a \$3 charge for parking. Can somebody explain to me where that vote came from and who gets the funding and how does this work because I don't remember this Board ever voting for it.

Mayor Baines asked could anybody answer that?

Solicitor Clark responded Tom Lolicata but he is not here.

Alderman Lopez stated I could try because I've asked the same question. There are parking meters in Jillian's parking lot. They do not charge for people to go into Jillian's but during events at the Verizon and the baseball stadium they do charge and they have a man stationed there. That is one of the sites that was designated when the civic center opened and when the ballpark opened. It was under the Traffic Division. That is what I was told.

Mayor Baines stated it is the same charge as when the arena is open.

Alderman Lopez answered that is correct. When the arena is open or there is a baseball game they have certain individuals out there in different parking lots charging \$3.

Mayor Baines stated we could have Mr. Lolicata appear before the next meeting of the Traffic Committee to address this issue.

Alderman Gatsas responded I don't have a problem with that, your Honor, but I would like some minutes of the meeting where this Board approved that.

Mayor Baines asked Alderman Sysyn can we have that on the agenda at the next Traffic Committee meeting.

Alderman O'Neil asked couldn't he just get an explanation out to us in the next few days.

Mayor Baines answered he could do that too.

Alderman Gatsas stated the next Traffic meeting is a month from now and if somebody is down there charging...

Mayor Baines interjected the Clerk will ask Mr. Lolicata to provide that information to all members of the Board.

Communication from the Finance Department advising of the receipt of funds in the amount of \$5,653.00 for the Manchester Art Fund.

Alderman Roy moved to accept funds and remand for the purpose intended. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

- 26.** Communication from David Hodgen, Chief Negotiator, requesting to meet with the Board for a negotiation strategy session.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to recess the regular meeting to meet with the Chief Negotiator for a negotiation strategy session.

Mayor Baines called the meeting back to order.

Alderman O'Neil moved to suspend Rule 26 and ratify and confirm the amendments to the Firefighters' (IAFF) Contract for the period covering July 1, 2004 to June 30, 2007 in accordance with the memorandum presented June 3, 2005. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

There being no further business to come before the Board, on motion of Alderman Smith, duly seconded by Alderman Lopez, it was voted to adjourn.

A True Record. Attest.

City Clerk